

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES

DISTRICT COURT OF GUAM

MAR 14 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00005-002

DATE: 3/14/2005

TIME: 1:57 p.m.

HON. JOAQUIN V. E. MANIBUSAN JR., Magistrate Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 1:57:15 - 2:17:24

Law Clerk: J. Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: J. Lizama / B. Benavente

***** APPEARANCES *****

DEFT: THIN LOO YAT

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY : JOAQUIN C. ARRIOLA, JR.

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: ROSS STODDARD

AGENT:

U.S. PROBATION: MARIA CRUZ

U.S. MARSHAL: P. RABINA

INTERPRETER: _____

() SWORN LANGUAGE: _____

() PREVIOUSLY SWORN

PROCEEDINGS: CHANGE OF PLEA

() COMPLAINT READ TO DEFENDANT

() FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: _____, ATTORNEY APPOINTED

(X) DEFENDANT SWORN AND EXAMINED: AGE: _____ HIGH SCHOOL COMPLETED: High School

(X) DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES

() REMOVAL/IDENTITY HEARING () CONDUCTED () WAIVED () SET FOR: _____ at _____

() WARRANT OF REMOVAL ISSUED

() GOVT SUMMARIZES THE EVIDENCE () GOVT SUBMITS TO THE PLEA AGREEMENT

(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT
OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA

() DEFENDANT WAIVE READING OF () COMPLAINT () INFORMATION () INDICTMENT

(X) PLEA ENTERED: (X) GUILTY () NOT GUILTY - TO: COUNT I

() COUNT(S) _____ DISMISSED ON GOVERNMENT'S MOTION

() PLEA AGREEMENT FILED: _____ PLEA: () ACCEPTED () REJECTED

() COURT ORDERS PLEA AGREEMENT SEALED

() COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: _____ FOR RECOMMENDATION.

(X) SENTENCING DATE: JUNE 13, 2005 at 10:00 A.M. () STATUS HEARING: _____ at _____

(X) PRESENTENCE REPORT ORDERED AND DUE: MAY 9, 2005

() PRELIMINARY EXAMINATION SET FOR: _____

() ARRAIGNMENT SET FOR: _____ at _____

() TRIAL SET FOR: _____

PROCEEDINGS CONTINUED TO: _____ at _____

() DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

() DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR () PROCESSING () DETENTION

() DETENTION HEARING REQUESTED BY GOVT DEFT IS SET FOR: _____ at _____

() DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

(X) DEFENDANT TO REMAIN IN THE CUSTODY OF THE U.S. MARSHAL

NOTES:

Defendant consented to have his change of plea heard before a U.S. Magistrate Judge.

Pen and ink changes made to the plea agreement: 1) Page 2, line 24, after the word additional insert the words "two year". 2) Page 3, strike the Fifth element and insert the following paragraph:

To prove the defendant guilty of aiding and abetting, the government must prove each of the following

elements beyond a reasonable doubt:

1. The offense of Possession of Fifteen or More Counterfeit or Unauthorized Access Devices was committed by someone;
2. The Defendant knowingly and intentionally aided, counseled, commanded, induced or procured that person to commit the offense of Possession of Fifteen or More Counterfeit or Unauthorized Access Devices; and
3. The Defendant acted before the crime was completed.

The Court signed the report and recommendation concerning defendant's plea of guilty.